REMARKS

The Examiner is thanked for the careful examination of the application. However, in view of the following remarks, the Examiner is respectfully requested to reconsider and withdraw the rejections.

The present application is directed to an image processing apparatus and method. The method employs a hierarchical encoding which results in a bit stream of coded data of LL, 3HL, 3LH, 3HH, 2HL, 2LH, 2HH, 1HL, 1LH and 1HH for each encoded image. As explained in paragraphs [0044] and [0045] of the published application, the coded data of LL is all that is needed to be acquired in order to produce a 75 dpi version of the image, the coded data of LL, 3HL, 3LH and 3HH are needed for a 150 dpi version of the image, and so on. Of course, the coded data must be decoded before the image can be displayed. For example, the coded data of LL for an image must be acquired and then decoded before a 75 dpi version of that image can be displayed.

As further discussed in paragraphs [0063] through [0065] of the published application, when it is desired to first display only low resolution versions of a plurality of images, the apparatus acquires first only the low level data of each of the plurality of images, so that the low level data can be decoded and the low resolution versions of the images can be displayed while the rest of the coded data for the images is still being acquired. Then, during decoding of the data at the low level of hierarchical encoding for each of the plurality of images, the unit acquires data at higher levels of hierarchical encoding for each of the plurality of images.

Additionally, as discussed in paragraph [0048] of the published application, when all of the data of low resolution has been received, a display screen notifies a

user that an index print is possible. The user is then able to request an index print while higher level data is still being received and/or decoded. Should the user request an index print while higher level data is still being received and/or decoded, outputting of the index image occurs while the unit acquires data at higher levels of hierarchical encoding for each of the plurality of images.

Of course, the claimed invention is not limited to the disclosed embodiments.

Claim 1 is rejected as being unpatentable over U.S. Patent No. 5,267,052, hereinafter Bannai.

In the rejection, the Examiner acknowledges that Bannai fails to disclose that the input controller receives data at a second level of hierarchical encoding for each of the plurality of images during outputting of the index image. The Examiner goes on to assert that "Bannai is fully capable of receiving the icon images and subsequently printing the icon images instead of displaying the icon images, while receiving the original images". The Examiner evidently relies on the discussion from line 59 of column 17 to line 12 of column 18 of promptly receiving and displaying the icon images, and of stopping transmission of the original images, as evidence supporting the Examiner's assertion.

However, it is clear from a careful study of Bannai that those portions of Bannai discuss icon images and original images which have already been decoded. Thus, that portion of Bannai does not set forth sufficient evidence that, in Bannai, an image input controller is capable of receiving data at a second level of hierarchical encoding for each of the plurality of images (i.e., encoded data) during outputting of the index image. Thus, even assuming that some basis exists for the Examiner's assertion that Bannai is fully capable of receiving icon images and subsequently

printing the icon images instead of displaying the icon images, while receiving original images, that assertion does not render Claim 1 obvious.

Claim 1 is therefore allowable over the disclosure in Bannai, and withdrawal of the rejection of Claim 1 is respectfully requested.

Independent Claims 9 and 15 are also allowable over the applied art for reasons consistent with the above discussion of Claim 1. Moreover, the dependent claims are allowable at least by virtue of their dependence from allowable independent claims.

Early and favorable action with respect to this application is respectfully requested.

Should any questions arise in connection with this application or should the Examiner believe that a telephone conference with the undersigned would be helpful in resolving any remaining issues pertaining to this application, the undersigned respectfully requests that he be contacted at the number indicated below.

The Director is hereby authorized to charge any appropriate fees under 37 C.F.R. §§ 1.16, 1.17 and 1.21 that may be required by this paper, and to credit any overpayment, to Deposit Account No. 02-4800.

Respectfully submitted,

BUCHANAN INGERSOLL & ROONEY PC

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